

House Study Bill 209 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON GRASSLEY)

A BILL FOR

1 An Act providing for the department of agriculture and land
2 stewardship's administration of certain functions, including
3 by eliminating past dates relating to a determination of
4 Iowa-foaled horse and to the rehabilitation and conservation
5 of land affected by coal mining, providing for payment by
6 the department for the examination of certain articles,
7 allowing the department to adopt by reference certain
8 federal publications affecting milk and milk products,
9 modifying the definition of biobutanol, eliminating
10 departmental duties and fees relating to weights and
11 measures, providing for purchased-grain fees paid into the
12 Iowa grain indemnity fund, and changing the name of the
13 division of soil and water conservation and the name of its
14 appointed administrative official.
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

REGULATORY PROVISIONS

Section 1. Section 99D.22, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. All thoroughbred horses, quarter horses, or standardbred horses foaled in Iowa ~~prior to January 1, 1985,~~ which are registered by the jockey club, American quarter horse association, or United States trotting association as Iowa foaled shall be considered to be Iowa foaled.

Sec. 2. Section 99D.22, subsection 2, paragraph b, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~After January 1, 1985, eligibility~~ Eligibility for brood mare residence shall be achieved by meeting at least one of the following rules:

Sec. 3. Section 189.6, Code 2015, is amended to read as follows:

189.6 Taking of samples.

The department may, without the consent of the owner, examine or open any package containing, or believed to contain, any article or product which it suspects may be prepared, manufactured, offered, or exposed for sale, sold, or held in possession in violation of the provisions of this subtitle, in order to secure a sample for analysis or examination, and the sample and damage to container shall be paid for at the current market price ~~out of the contingent fund of~~ by the department.

Sec. 4. Section 192.101A, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "*Federal publication*" means a publication produced by the United States department of health and human services including the United States public health service and United States food and drug administration.

Sec. 5. Section 192.102, Code 2015, is amended to read as follows:

192.102 Grade "A" pasteurized milk ordinance.

1 The department shall adopt, ~~by rule,~~ rules incorporating or
2 incorporating by reference the federal publication entitled
3 "Grade 'A' Pasteurized Milk Ordinance, 2005 Revision",
4 ~~including a subsequent revision of the ordinance~~ Ordinance".
5 If the ordinance specifies that compliance with a provision of
6 the ordinance's appendices is mandatory, the department shall
7 also adopt that provision. The department shall not amend the
8 ordinance, unless the department explains each amendment and
9 reasons for the amendment in the Iowa administrative bulletin
10 when the rules are required to be published pursuant to chapter
11 17A. The department shall administer this chapter consistent
12 with the provisions of the ordinance.

13 Sec. 6. Section 192.110, subsection 1, Code 2015, is amended
14 to read as follows:

15 1. The person has a pasteurized milk and milk products
16 sanitation compliance rating of ninety percent or more as
17 calculated according to the rating system as contained in
18 rules adopted by the department incorporating or incorporating
19 by reference the federal public health service publications,
20 entitled "Procedures Governing the Cooperative State-Public
21 Health Service/Food and Drug Administration Program for
22 Certification of Interstate Milk Shippers 2003" Shipments"
23 ~~and "Method~~ "Methods of Making Sanitation Ratings of Milk
24 ~~Supplies, 2003 Revision" Shippers".~~ The applicable provisions
25 ~~of these publications are incorporated into this section by~~
26 ~~this reference.~~ A copy of each publication shall be on file
27 with the department or in the office of the person subject to
28 an inspection contract as provided in section 192.108.

29 Sec. 7. Section 192.111, subsection 3, paragraph b, Code
30 2015, is amended by striking the paragraph.

31 Sec. 8. Section 192.118, Code 2015, is amended to read as
32 follows:

33 **192.118 Certified laboratories.**

34 1. To insure uniformity in the tests and reporting, an
35 employee certified by the United States public health service

1 of the bacteriological laboratory of the department shall
 2 annually certify, in accordance with ~~the United States food~~
 3 ~~and drug administration~~ rules adopted by the department
 4 incorporating or incorporating by reference the federal
 5 publication entitled "Evaluation of Milk Laboratories" ~~(1995~~
 6 ~~revision)~~, all laboratories doing work in the sanitary quality
 7 of milk and dairy products for public report. The approval
 8 by the department shall be based on the evaluation of these
 9 laboratories as to personnel training, laboratory methods
 10 used, and reporting. The results on tests made by approved
 11 laboratories shall be reported to the department on request,
 12 on forms prescribed by the secretary of agriculture, and such
 13 reports may be used by the department.

14 2. The department shall annually certify, in accordance
 15 with rules adopted by the department incorporating or
 16 incorporating by reference ~~the United States food and drug~~
 17 ~~administration~~ federal publication entitled "Evaluation of
 18 Milk Laboratories" ~~(1995 revision)~~, every laboratory in the
 19 state doing work in the sanitary quality of milk and dairy
 20 products for public report. The certifying officer may enter
 21 any such place at any reasonable hour to make the survey.
 22 The management of the laboratory shall afford free access to
 23 every part of the premises and render all aid and assistance
 24 necessary to enable the certifying officer to make a thorough
 25 and complete examination.

26 Sec. 9. Section 199.3, subsection 6, Code 2015, is amended
 27 to read as follows:

28 6. Seed sold on or from the farm, which is exempt from
 29 the permit requirements by section 199.15, shall be labeled
 30 on the basis of tests performed by the Iowa state university
 31 ~~of science and technology seed testing laboratory, department~~
 32 ~~of agriculture and land stewardship seed laboratory,~~ or
 33 a commercial seed laboratory personally supervised by a
 34 registered seed technologist. Tests for labeling shall be as
 35 provided in section 199.10.

1 Sec. 10. Section 199.10, subsection 2, unnumbered paragraph
2 1, Code 2015, is amended to read as follows:

3 Charges for seed testing by the Iowa state university or
4 ~~department of agriculture and land stewardship~~ seed testing
5 laboratory shall be determined by the ~~Iowa state university~~
6 laboratory. Separate fee schedules shall be published for:

7 Sec. 11. Section 199.10, subsection 3, paragraph a, Code
8 2015, is amended to read as follows:

9 a. Integrate seed testing so as to avoid unnecessary
10 duplication of personnel and equipment. ~~The department of~~
11 ~~agriculture and land stewardship seed laboratory shall be~~
12 ~~primarily concerned with seed testing for seed law enforcement~~
13 ~~purposes.~~ The Iowa state university seed testing laboratory
14 shall promote seed education and research and shall conduct
15 service testing for farmers and seed dealers.

16 Sec. 12. Section 203D.1, subsection 14, Code 2015, is
17 amended to read as follows:

18 14. a. "Purchased grain" means grain ~~which is~~ entered
19 in the company-owned paid position as evidenced on the grain
20 dealer's daily position record.

21 b. "Purchased grain" does not include grain that is subject
22 to an exempt transaction based on documentation satisfactory
23 to the department showing that the grain dealer did any of the
24 following:

25 (1) Purchased the grain from the United States government or
26 any of its subdivisions or agencies.

27 (2) Purchased the grain from a person licensed as a grain
28 dealer in any jurisdiction.

29 (3) Purchased the grain under a credit-sale contract.

30 (4) Entered the grain in the company-owned paid position as
31 a cancellation of a collateral warehouse receipt.

32 (5) Entered the grain in the company-owned paid position as
33 an intra-company location transfer.

34 Sec. 13. Section 203D.3A, subsection 2, paragraph a, Code
35 2015, is amended to read as follows:

1 a. A per-bushel fee shall be assessed on all purchased
2 grain. ~~However, if the grain dealer provides documentation~~
3 ~~regarding the transaction satisfactory to the department, the~~
4 ~~following transactions shall be excluded from the per-bushel~~
5 ~~fee:~~

6 ~~(1) Grain purchased from the United States government or any~~
7 ~~of its subdivisions or agencies.~~

8 ~~(2) Grain purchased from a person licensed as a grain dealer~~
9 ~~in any jurisdiction.~~

10 ~~(3) Grain purchased under a credit sale contract.~~

11 Sec. 14. Section 203D.5, subsection 2, paragraph a,
12 subparagraph (1), Code 2015, is amended to read as follows:

13 (1) For a licensed grain dealer, not more than fourteen
14 thousandths of a cent per bushel assessed on all purchased
15 grain entered in the company-owned paid position during the
16 grain dealer's last fiscal year at each location at which
17 records are maintained for transactions of the grain dealer,
18 as determined according to information submitted by the grain
19 dealer to the department for the issuance or renewal of a
20 license as provided in section 203.5.

21 Sec. 15. Section 203D.5, subsection 4, unnumbered paragraph
22 1, Code 2015, is amended to read as follows:

23 ~~If, at the end of any three-month period, on the last date of~~
24 the fund's fiscal year as provided in section 203D.3 the assets
25 of the fund exceed eight million dollars, less any encumbered
26 balances or pending or unsettled claims, all of the following
27 apply:

28 Sec. 16. Section 206.32, subsection 1, Code 2015, is amended
29 to read as follows:

30 1. A person shall not offer for sale, sell, purchase, apply,
31 or use chlordane in this state, ~~on or after January 1, 1989.~~

32 Sec. 17. Section 207.1, subsection 1, Code 2015, is amended
33 to read as follows:

34 1. It is the policy of this state to provide for the
35 rehabilitation and conservation of land affected by coal mining

1 and preserve natural resources, protect and perpetuate the
2 taxable value of property, and protect and promote the health,
3 and safety, ~~and general welfare~~ of the people of this state.

4 Sec. 18. Section 207.21, subsection 3, paragraphs a and b,
5 Code 2015, are amended to read as follows:

6 a. The protection of public health, safety, ~~general welfare~~,
7 and property from extreme danger of adverse effects of coal
8 mining practices.

9 b. The protection of public health, and safety, ~~and general~~
10 ~~welfare~~ from adverse effects of coal mining practices.

11 Sec. 19. Section 207.23, subsection 1, Code 2015, is amended
12 to read as follows:

13 1. Within six months after the completion of a project to
14 restore, reclaim, abate, control, or prevent adverse effects
15 of past coal mining practices on privately owned land, the
16 division shall itemize the money expended on the project
17 and may file a lien statement in the office of the district
18 court clerk of each county in which a portion of the property
19 affected by the project is located, together with a notarized
20 appraisal by an independent appraiser of the value of the land
21 before the restoration, reclamation, abatement, control, or
22 prevention of adverse effects of past mining practices if the
23 money so expended results in a significant increase in property
24 value. A copy of the lien statement and the appraisal, if
25 required, shall be served upon affected property owners in the
26 manner provided for service of an original notice. The lien
27 shall not exceed the amount determined by the appraiser to be
28 the increase in the market value of the land as a result of the
29 restoration, reclamation, abatement, control, or prevention
30 of adverse effects of past coal mining practices. A lien
31 shall not be filed in accordance with this subsection against
32 the property of a person who ~~owned the surface prior to May~~
33 ~~2, 1977, and who~~ neither consented to, participated in, nor
34 exercised control over the mining operation which necessitated
35 the reclamation performed.

1 Sec. 20. Section 214A.1, subsection 3, Code 2015, is amended
2 to read as follows:

3 3. "*Biobutanol*" means isobutyl or n-butyl alcohol that is
4 to be blended with gasoline if it meets the standards provided
5 in section 214A.2.

6 Sec. 21. Section 214A.2, subsection 3, paragraph c,
7 subparagraph (1), Code 2015, is amended to read as follows:

8 (1) Biobutanol must be an agriculturally derived isobutyl
9 or n-butyl alcohol that meets A.S.T.M. international
10 specification D7862 for butanol for blending with gasoline for
11 use as automotive spark-ignition engine fuel, or a successor
12 A.S.T.M. international specification, as established by rules
13 adopted by the department.

14 Sec. 22. Section 215.17, subsection 1, Code 2015, is amended
15 to read as follows:

16 1. A person engaged in scale repair work for hire shall
17 use only test weights sealed by a laboratory approved by the
18 department in determining the effectiveness of repair work and
19 the test weights shall be sealed as to their accuracy once each
20 year. However, a person shall not claim to be an official
21 scale inspector and shall not use the test weights except to
22 determine the accuracy of scale repair work done by the person
23 and the person shall not be entitled to a fee for their use. A
24 ~~fee shall be charged and collected at time of inspection for~~
25 ~~the inspection of such weights as follows:~~

26 ~~All weights up to and including 25~~
27 ~~pounds.....\$ 1.10 each~~
28 ~~Over 25 pounds capacity,~~
29 ~~up to and including 50 pounds.....2.25 each~~
30 ~~Over 50 pounds capacity, up to and~~
31 ~~including 100 pounds.....3.00 each~~
32 ~~Over 100 pounds capacity, up to~~
33 ~~and including 500 pounds.....4.50 each~~
34 ~~Over 500 pounds capacity, up to~~
35 ~~and including 1,000 pounds.....7.50 each~~

1 Sec. 23. Section 215.17, subsection 2, Code 2015, is amended
2 by striking the subsection.

3 DIVISION II

4 SOIL CONSERVATION AND WATER QUALITY

5 Sec. 24. Section 159.5, subsection 12, Code 2015, is amended
6 to read as follows:

7 12. ~~Establish~~ Create and maintain a division of soil
8 conservation and water quality as provided in chapter 161A.
9 ~~The division administrator~~ division's director shall be
10 appointed by the secretary from a list of names of persons
11 recommended by the soil conservation committee, pursuant to
12 section 161A.4, ~~subsection 6, paragraph "c",~~ and shall serve
13 at the pleasure of the secretary. The director shall be the
14 administrator responsible for carrying out the provisions of
15 chapters 207 and 208.

16 Sec. 25. Section 159.18, subsection 1, Code 2015, is amended
17 to read as follows:

18 1. As used in this section, "*farm programs*" includes but
19 is not limited to financial incentive programs established
20 within the department's division of soil conservation ~~of the~~
21 ~~department of agriculture and land stewardship and water~~
22 quality as provided in section 161A.70 and the beginning farmer
23 loan program administered by the Iowa finance authority as
24 provided in ~~section 16.75~~ chapter 16.

25 Sec. 26. Section 161A.3, subsection 7, Code 2015, is amended
26 to read as follows:

27 7. "*Division*" means the division of soil conservation and
28 water quality created within the department pursuant to section
29 159.5.

30 Sec. 27. Section 161A.4, subsection 1, Code 2015, is amended
31 to read as follows:

32 1. ~~The soil conservation division is established~~ of soil
33 conservation and water quality created within the department ~~to~~
34 pursuant to section 159.5 shall perform the functions conferred
35 upon it in this chapter and chapters 161C, 161E, 161F, 207, and

1 208. The division shall be administered in accordance with the
2 policies of the state soil conservation committee, which shall
3 advise the division and which shall approve administrative
4 rules proposed by the division for the administration of this
5 chapter and chapters 161C, 161E, 161F, 207, and 208 before the
6 rules are adopted pursuant to section 17A.5. If a difference
7 exists between the committee and secretary regarding the
8 content of a proposed rule, the secretary shall notify the
9 chairperson of the committee of the difference within thirty
10 days from the committee's action on the rule. The secretary
11 and the committee shall meet to resolve the difference within
12 thirty days after the secretary provides the committee with
13 notice of the difference.

14 Sec. 28. Section 161A.4, subsection 2, unnumbered paragraph
15 1, Code 2015, is amended to read as follows:

16 In addition to other duties and powers conferred upon the
17 division of soil conservation and water quality, the division
18 has the following duties and powers:

19 Sec. 29. Section 161A.4, subsection 6, paragraph c, Code
20 2015, is amended to read as follows:

21 c. The committee shall recommend three persons to the
22 secretary of agriculture who shall appoint from the persons
23 recommended ~~an administrative~~ a director to head the division
24 and serve at the pleasure of the secretary. After reviewing
25 the names submitted, the secretary may request that the
26 soil conservation committee submit additional names for
27 consideration.

28 Sec. 30. Section 161A.6, unnumbered paragraph 4, Code 2015,
29 is amended to read as follows:

30 The commissioners may call upon the attorney general of
31 the state for such legal services as they may require. The
32 commissioners may delegate to their chairperson, to one or more
33 commissioners or to one or more agents, or employees, such
34 powers and duties as they may deem proper. The commissioners
35 shall furnish to the division ~~of soil conservation~~, upon

1 request, copies of such ordinances, rules, regulations, orders,
2 contracts, forms, and other documents as they shall adopt or
3 employ, and such other information concerning their activities
4 as it may require in the performance of its duties under this
5 chapter.

6 Sec. 31. Section 161A.7, subsection 1, paragraph n,
7 subparagraph (2), Code 2015, is amended to read as follows:

8 (2) The title page of the district plan and a notification
9 stating where the plan may be reviewed shall be recorded with
10 the recorder in the county in which the district is located,
11 and updated as necessary, after the committee approves and
12 the ~~administrator~~ director of the division signs the district
13 plan. The commissioners shall provide notice of the recording
14 and may provide a copy of the approved district plan to the
15 county board of supervisors in the county where the district is
16 located. The district plan shall be filed with the division
17 as part of the state soil and water resource conservation plan
18 provided in section 161A.4.

19 Sec. 32. Section 161A.18, Code 2015, is amended to read as
20 follows:

21 **161A.18 Certification.**

22 Following the entry in the official minutes of the soil and
23 water conservation district commissioners of the creation of
24 the subdistrict, the commissioners shall certify this fact on a
25 separate form, authentic copies of which shall be recorded with
26 the county recorder of each county in which any portion of the
27 subdistrict lies, and with the division ~~of soil conservation~~.

28 Sec. 33. Section 161A.61, subsection 2, paragraph b, Code
29 2015, is amended to read as follows:

30 b. Bring the farm unit which is the subject of the order
31 into compliance with a plan developed for that farm unit by the
32 commissioners, in accordance with guidelines established by
33 the division ~~of soil conservation~~, and presented to the court
34 as a part of the commissioners' petition, if a farm unit soil
35 conservation plan has not previously been agreed upon for that

1 farm unit. A plan presented to the court by the commissioners
2 under this paragraph shall specify as many alternative approved
3 soil and water conservation practices as feasible, among which
4 the owner or occupant of the farm unit may choose in taking the
5 steps necessary to comply with the court's order.

6 Sec. 34. Section 161A.80, subsection 2, paragraph b, Code
7 2015, is amended to read as follows:

8 b. The principal and interest from any blufflands protection
9 loan outstanding on July 1, 2015, and payable to the blufflands
10 protection revolving fund, shall be paid to the ~~administrative~~
11 director of the division of soil conservation and water quality
12 created in section 159.5 on or after July 1, 2015, pursuant to
13 the terms of the loan agreement and shall be credited to the
14 rebuild Iowa infrastructure fund.

15 Sec. 35. Section 161C.1, subsection 4, Code 2015, is amended
16 to read as follows:

17 4. "*Division*" means the division of soil conservation and
18 water quality created within the department pursuant to section
19 159.5.

20 Sec. 36. Section 161D.1, subsection 2, Code 2015, is amended
21 to read as follows:

22 2. The mission of the authority is to develop and coordinate
23 plans for projects related to the unique natural resource,
24 rural development, and infrastructure problems of counties
25 in the deep loess region of western Iowa. The erosion and
26 degradation of stream channels in the deep loess soils has
27 occurred due to historic channelization of the Missouri river
28 and straightening stream channels of its tributaries. This
29 erosion of land has damaged the rural infrastructure of this
30 area, destroyed public roads and bridges, adversely impacted
31 stream water quality and riparian habitat, and affected other
32 public and private improvements. Stabilization of stream
33 channels is necessary to protect the rural infrastructure
34 in the deep loess soils area of the state. The authority
35 shall cooperate with the division of soil conservation ~~of~~ and

1 water quality created within the department of agriculture
2 and land stewardship pursuant to section 159.5, the affected
3 soil and water conservation districts, the department of
4 natural resources, and the state department of transportation
5 in carrying out its mission and duties. The authority shall
6 also cooperate with appropriate federal agencies, including
7 the United States environmental protection agency, the United
8 States department of interior, and the United States department
9 of agriculture natural resources conservation service. The
10 authority shall make use of technical resources available
11 through member counties and cooperating agencies.

12 Sec. 37. Section 161D.8, subsection 1, unnumbered paragraph
13 1, Code 2015, is amended to read as follows:

14 The authority shall submit to the department of management,
15 the legislative services agency, and the division of soil
16 conservation and water quality of the department of agriculture
17 and land stewardship, on or before December 31 annually, a
18 report including information regarding all of the following:

19 Sec. 38. Section 161D.11, subsection 3, Code 2015, is
20 amended to read as follows:

21 3. The authority shall cooperate with the division of soil
22 conservation and water quality of the department of agriculture
23 and land stewardship, and the affected soil and water
24 conservation districts, the department of natural resources,
25 and the state department of transportation in carrying out
26 its mission and duties. The authority shall also cooperate
27 with appropriate federal agencies, including the United States
28 environmental protection agency, the United States department
29 of interior, and the United States department of agriculture
30 natural resources conservation service. The authority shall
31 make use of technical resources available through member
32 counties and cooperating agencies.

33 Sec. 39. Section 161D.13, subsection 1, unnumbered
34 paragraph 1, Code 2015, is amended to read as follows:

35 The southern Iowa development and conservation authority

1 shall submit to the department of management, the legislative
2 services agency, and the division of soil conservation and
3 water quality of the department of agriculture and land
4 stewardship, on or before December 31 annually, a report
5 including information regarding all of the following:

6 Sec. 40. Section 207.2, subsections 1 and 3, Code 2015, are
7 amended to read as follows:

8 1. "*Administrator*" means the ~~division~~ administrator of the
9 ~~division of soil conservation~~ or a designee.

10 3. "*Division*" means the division of soil conservation and
11 water quality created within the department of agriculture and
12 land stewardship pursuant to section 159.5.

13 Sec. 41. Section 208.2, subsections 1 and 4, Code 2015, are
14 amended to read as follows:

15 1. "*Administrator*" means the administrator of the division
16 ~~of soil conservation~~ or a designee.

17 4. "*Division*" means the division of soil conservation and
18 water quality created within the department of agriculture and
19 land stewardship pursuant to section 159.5.

20 Sec. 42. Section 455A.1, subsection 6, Code 2015, is amended
21 by striking the subsection.

22 Sec. 43. Section 455A.19, subsection 1, paragraph c, Code
23 2015, is amended to read as follows:

24 c. Twenty percent shall be allocated to the soil and
25 water enhancement account. The moneys shall be used to carry
26 out soil and water enhancement programs including, but not
27 limited to, reforestation, woodland protection and enhancement,
28 wildlife habitat preservation and enhancement, protection of
29 highly erodible soils, and clean water programs. The division
30 of soil conservation and water quality within the department
31 of agriculture and land stewardship, by rule, shall establish
32 procedures for eligibility, application, review, and selection
33 of projects and practices to implement the requirements of
34 this paragraph. There is appropriated from the soil and
35 water enhancement account to the ~~soil conservation~~ division

1 of soil conservation and water quality the amount in that
2 account, or so much thereof as is necessary, to carry out the
3 programs as specified in this paragraph. Remaining funds of
4 the soil and water enhancement account shall be allocated
5 to the accounts of the water protection fund authorized in
6 section 161C.4. Annually, fifty percent of the soil and water
7 enhancement account funds shall be allocated to the water
8 quality protection projects account. The balance of the funds
9 shall be allocated to the water protection practices account.
10 An appropriation made under this paragraph shall continue in
11 force for two fiscal years after the fiscal year in which the
12 appropriation was made or until completion of the project for
13 which the appropriation was made, whichever date is earlier.
14 All unencumbered or unobligated funds remaining at the close
15 of the fiscal year in which the project is completed or at the
16 close of the third fiscal year, whichever date is earlier,
17 shall revert to the soil and water enhancement account.

18 Sec. 44. Section 456.11, subsection 10, Code 2015, is
19 amended to read as follows:

20 10. *Copies furnished.* The state geologist shall provide the
21 division of soil conservation and water quality created within
22 the department of agriculture and land stewardship pursuant to
23 section 159.5 a copy of each map and map extension received by
24 the geologist under this section.

25 Sec. 45. Section 460.101, Code 2015, is amended by adding
26 the following new unnumbered paragraph before subsection 1:

27 NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless
28 the context otherwise requires:

29 Sec. 46. Section 460.101, subsection 6, Code 2015, is
30 amended to read as follows:

31 6. "*Division*" means the division of soil conservation
32 ~~division of~~ and water quality created within the department of
33 agriculture and land stewardship pursuant to section 159.5.

34 Sec. 47. Section 460.303, subsection 1, Code 2015, is
35 amended to read as follows:

1 1. An agricultural drainage well water quality assistance
2 fund is created in the state treasury under the control of the
3 ~~soil-conservation~~ division. The fund is composed of moneys
4 appropriated by the general assembly, and moneys available to
5 and obtained or accepted by the division or the state soil
6 conservation committee established pursuant to section 161A.4,
7 from the United States or private sources for placement in the
8 fund.

9 Sec. 48. Section 460.304, subsection 1, Code 2015, is
10 amended to read as follows:

11 1. The ~~soil-conservation~~ division shall establish an
12 agricultural drainage well water quality assistance program
13 as provided by rules which shall be adopted by the division
14 pursuant to chapter 17A. The program shall be supported from
15 moneys deposited in the agricultural drainage well water
16 quality assistance fund created pursuant to section 460.303.

17 Sec. 49. Section 461.33, subsection 2, paragraph a, Code
18 2015, is amended to read as follows:

19 a. Soil conservation and watershed protection, including by
20 supporting the ~~soil-conservation~~ division of soil conservation
21 and water quality within the department of agriculture and
22 land stewardship and soil and water conservation district
23 commissioners. The department may provide for the installation
24 of conservation practices and watershed protection improvements
25 as provided in chapters 161A, 161C, 461A, 466, and 466A.

26 Sec. 50. Section 466A.1, subsection 3, Code 2015, is amended
27 to read as follows:

28 3. "*Division*" means the division of soil conservation and
29 water quality created within the department of agriculture and
30 land stewardship ~~as established in~~ pursuant to section ~~161A.4~~
31 159.5.

32 Sec. 51. Section 466A.5, Code 2015, is amended to read as
33 follows:

34 **466A.5 Administration.**

35 The ~~soil-conservation~~ division of soil conservation and

1 water quality created within the department of agriculture
2 and land stewardship pursuant to section 159.5 shall provide
3 administrative support to the board. Not more than one percent
4 of the total moneys deposited in the general account of the
5 watershed improvement fund on July 1 of a fiscal year or fifty
6 thousand dollars, whichever is less, is appropriated each
7 fiscal year to the division for the purposes of assisting
8 the watershed improvement review board in administering this
9 chapter.

10 Sec. 52. Section 466B.3, subsection 4, paragraph b, Code
11 2015, is amended to read as follows:

12 b. The director of the division of soil conservation
13 ~~division of and water quality within~~ the department of
14 agriculture and land stewardship or the director's designee.

15 Sec. 53. Section 466B.41, subsection 3, Code 2015, is
16 amended to read as follows:

17 3. "*Division*" means the division of soil conservation and
18 water quality created within the department of agriculture and
19 land stewardship ~~as established in pursuant to section 161A.4~~
20 159.5.

21 Sec. 54. Section 466B.48, subsection 2, paragraph g, Code
22 2015, is amended to read as follows:

23 g. The ~~administrative~~ director of the ~~soil conservation~~
24 ~~division of the department of agriculture and land stewardship~~
25 ~~as provided in chapter 161A,~~ or the administrative director's
26 designee.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 GENERAL. This bill amends a number of provisions
31 administered by the department of agriculture and land
32 stewardship (DALS).

33 HORSE RACING — ELIMINATION PAST DATES APPLICABLE TO
34 IOWA-FOALED HORSES. The bill eliminates past dates (either
35 referring to before or after January 1, 1985) setting

1 forth requirements to determine when a horse is eligible to
2 participate in an annual race reserved for Iowa-foaled breeds
3 (Code chapter 99D).

4 EXAMINATION OF CERTAIN ARTICLES — ELIMINATION OF CONTINGENT
5 FUND. The bill eliminates a "contingent fund" dedicated for
6 use by DALs to pay costs associated with the examination of
7 certain articles, including food, commercial feed, agricultural
8 seed, commercial fertilizer, drugs, pesticide, and paint (Code
9 chapter 189).

10 MILK REGULATION — FEDERAL PUBLICATIONS. The bill allows
11 DALs to adopt by rule a number of federal publications as
12 defined in the bill, including adopting by reference, that
13 relate to the regulation of milk and milk products (Code
14 chapter 192).

15 ELIMINATION OF SEED LABORATORY. The bill eliminates DALs'
16 seed laboratory which is used to enforce regulations relating
17 to the sale of agricultural and vegetable seed. The bill does
18 not affect duties performed by the Iowa state university seed
19 laboratory but changes its name to the Iowa state university
20 seed testing laboratory (Code chapter 199).

21 GRAIN DEPOSITORS AND SELLERS INDEMNITY FUND — FEES. The
22 bill excludes certain transactions from the classification
23 of "purchased grain" which is assessed a per-bushel fee
24 paid by grain dealers into the grain depositors and sellers
25 indemnity fund (Code chapter 203D). The fee would not apply
26 to a cancellation of a collateral warehouse receipt or an
27 intra-company location transfer (Code chapter 206), if so
28 entered into the grain dealer's accounts. It also changes the
29 period when the department calculates whether assets in the
30 fund exceed \$8,000,000 which suspends the imposition of fees
31 paid into the fund. The bill changes the period from the end of
32 each three-month period to the end of the fund's fiscal year
33 (June 30).

34 CHLORDANE PROHIBITION — ELIMINATION OF A DATE. The bill
35 amends the "Pesticide Act of Iowa" by eliminating a past date

1 (January 1, 1989) after which chlordane could not be sold in
2 this state (Code chapter 206).

3 COAL MINING REGULATIONS — ELIMINATION OF A TERM AND DATE.
4 The bill eliminates the term "general welfare" when referring
5 to the rehabilitation and conservation of land affected by coal
6 mining (Code chapter 207). It also eliminates a reference to
7 a past date (May 2, 1977) regarding liens filed against such
8 property. DALs is prevented from filing a lien against the
9 private land of a person who owned the land's surface prior
10 to that date to pay costs associated with rehabilitating or
11 conserving such land.

12 EXPANSION OF DEFINITION — BIOBUTANOL. The bill modifies
13 the definition of biobutanol to include n-butyl which is an
14 alcohol used to blend with gasoline.

15 INSPECTIONS OF CERTAIN TEST WEIGHTS — APPROVAL OF PRIVATE
16 LABORATORIES AND FEES. The bill provides that DALs no longer
17 verifies test weights used by persons engaged in scale repair
18 work (Code chapter 215). Instead, DALs is required to approve
19 a private laboratory that performs that function. The bill
20 also eliminates associated fees.

21 DIVISION OF SOIL CONSERVATION AND WATER QUALITY. The
22 bill amends Code section 159.5 to change the name of DALs'
23 division of soil conservation to the division of soil
24 conservation and water quality. The bill makes a number of
25 conforming amendments to Code chapters that refer to the
26 division. Finally, the bill changes the name of the division's
27 administrator to director.